

REMARKS

Claims 1-4 are pending in the present application. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claim 1 was objected to due to a noted informality. That informality, as well as other informalities noted by Applicant have been corrected. Withdrawal of the objection is respectfully requested.

Claims 1-4 were rejected under 35 U.S.C. §103 as being unpatentable over Chang et al (U.S. Patent No.: 6,700,956) in view of Kikuchi (U.S. Patent No.: 5,812,646) and Eftechiou (U.S. Patent No. 6,002,747). This rejection is respectfully traversed for the following reasons.

Claim 1 recites a fallback telecommunications device including a microprocessor utilized to perform a predetermined operation and processing of a predetermined input signal and then output a corresponding signal, and at least one relay circuit having an amplifier circuit and a relay, an input terminal of the amplifier circuit being connected to the microprocessor and an output terminal of the amplifier circuit being connected to the signal input terminal of the relay, a terminal at a first side of the relay being connected to a

telephone line tip/ring terminal and a terminal at a second side of the relay being connected to a Public Services Telephone Network (PSTN) tip and ring terminals of the microprocessor. The telephone line tip and ring terminals are connected to the PSTN tip and ring terminals. When the said relay is controlled into operation, the connection of the tip and ring terminals is switched to Voice Over Internet Protocol (VOIP) tip and ring terminals of the microprocessor. The device further includes an off-hook detection circuit connected to the PSTN tip and ring terminals and a ring detection terminal of the microprocessor that is utilized to ascertain telephone off-hook status and send a signal to the ring detection terminal, and a dummy load circuit connected to the tip terminal and the ring terminal of the PSTN for generating a simulated off-hook signals to transmit to the PSTN when the VOIP tip and ring terminals are in use. This is not taught, disclosed or made obvious by the prior art of record.

Chang describes an apparatus 10 which permits telephone 11 to be used to place or receive calls over either PSTN 18 alone or using PC 14 over Internet 19, or any wide area networking supporting telephony including Voice Over Internet Protocol (VOIP). The apparatus 10 as shown in block

diagram form without detailed circuit components being disclosed. If the user wants to place an Internet call, the user presses a predetermined sequence of DTMF digits on the telephone dial pad which are detected by the DTMF interface circuit 39. When those digits are reported to the interface 38, the switch is toggled to couple the telephone line 11 to the SLIC 36 for use as an I-phone.

As recognized by the Examiner, there is no disclosure in Chang of the at least one relay circuit having an amplifier circuit and a relay as configured according to claim 1. Further, there is no disclosure of the dummy load circuit connected to the tip terminal and the ring terminal of the PSTN for generating a simulated off-hook signal to transmit to the PSTN when the VOIP tip and ring terminals are in use as recited in claim 1.

Applicant respectfully submits that there is also no disclosure of a manual switch as recited in claim 2. The Office Action cites to Column 6, lines 12-34. However, this section discloses that the user types in a predetermined sequence of DTMF digits in order to toggle between the telephone 11 and the I-phone, and not a manual switch as claimed in claim 2.

The Office Action also cites the Kikuchi patent as purportedly disclosing the at least one relay circuit and amplifier circuit and relay as recited in claim 1. Applicant respectfully submits that even if, assuming for the sake of argument only, that Kikuchi does disclose the claimed circuit arrangement, one of ordinary skill in the art at the time of the invention would not have been motivated to combine the teaching of Kikuchi with Chang in the absence of impermissible hindsight reference to Applicant's disclosure. Kikuchi discloses a switching controller for use to control two switches which connect at first to communication terminal such as a telephone and a second communication terminal such as a fax machine to the same communication line. There is no disclosure of an Internet phone and a regular telephone being switched. Thus one of ordinary skill in the art would not have been motivated to look to this patent for a solution to the problems of how to construct the at least one relay circuit having an amplifier circuit and relay according to the present claimed invention.

The Office Action cites the Eftechiou patent as allegedly disclosing the dummy load circuit as recited in claim 1. Applicant respectfully disagrees. There is nothing in that patent which suggests a dummy load circuit connected

to the tip terminal and ring terminal of the PSTN for generating a simulated off-hook signal to transmit to transmit to the PSTN when the VOIP tip and ring terminals are in use. Furthermore, there is no disclosure in any of the patents that would suggest to one of ordinary skill in the art that they could be combined to yield the present invention as asserted in the Office Action. Only within permissible hindsight reference to Applicant's disclosure would such combination have been considered by one of ordinary skill in the art. For at least this reason, Applicant respectfully submits that claims 1 and 2 are patentable over the prior art of record.

Claims 3 and 4 depend from and include the recitations of claim 1. Applicant respectfully submits that claims 3 and 4 are patentable in and of themselves and as they depend from and include the recitations of claim 1 for the reasons discussed above.

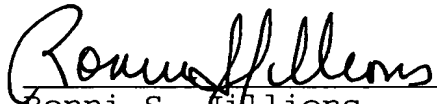
In view of the above amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

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Reply to Office Action of August 16, 2004

If the Examiner has any questions, he is invited to
contact the undersigned at (202) 628-5197.

Respectfully submitted,

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